

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested. Claims 1-3 have been rejected under 35 U.S.C. §103 as being unpatentable over Klotzsch et al. in view of Constant et al. Claims 1-3 remain active.

Applicants first note that while Klotzsch et al. has been utilized in the rejection of the claims of the present application, such reference is not listed on the attached PTO Form 892 which accompanied the Office Action. Accordingly, to make this reference of record, an Information Disclosure Statement is submitted herewith along with a copy of such reference.

Considering next then the rejection of Claims 1-3 under 35 U.S.C. §103 as being unpatentable over Klotzsch et al. in view of Constant et al., it is submitted that Claims 1-3 patentably define over these references. More particularly, a comparison of the present invention as claimed in Claims 1-3 versus Klotzsch et al. and Constant et al. indicates that, at least the claimed element of “obtaining” edge information of the laser line from the image of the laser line to calculate a particle diameter of foam in the form layer based on the edge information” in independent Claims 1 or 3 is neither disclosed nor suggested in Klotzsch et al. nor in Constant et al.

More particularly, a “threshold level” claimed in Claim 7 and on line 64 in column 17 of Klotzsch et al. does not relate to “edge information of the laser line” as recited in independent Claims 1 or 3 of the present application at all but relates to “a ratio of the level of high frequency spatial variations in intensity in the image with the level of low frequency spatial variations in intensity in the image” (Claim 7). Also, the “threshold amount” disclosed on line 2 in column 6 of Klotzsch et al., the “threshold (level)” disclosed on line 41, column 7 to line 36, column 8 of Klotzsch et al., and the “threshold” disclosed on line 54, column 12 to line 6, column 13 of Klotzsch et al. and line 8 in column 19 do not (at least,

directly, correspond to “edge information of the laser line” which makes it possible “to calculate a particle diameter of foam in the foam layer” as recited in independent Claims 1 or 3 of the subject application but instead are thresholds associated with radiant energy (a signal) or a spectrum detected on a photo (detector) and set for simply determining whether foam or a turbid contaminant is present or not. Thus, Klotzsch et al. neither teaches “obtaining edge information of the laser line from the image of the laser line to calculate a particle diameter of foam in the foam layer based on the edge information” as claimed in independent Claims 1 or 3.

Furthermore, “the image of the laser line” recited in independent Claims 1 or 3 of the subject application is neither disclosed nor suggested in Constant et al. Accordingly, the claim element of “obtaining (or obtains) edge information of the laser line from the image of the laser line to calculate a particle diameter of foam in the foam layer based on the edge information” in independent Claims 1 or 3 is neither disclosed nor suggested in Constant et al.

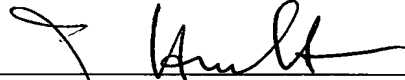
Consequently, Applicants believe that the present invention according to any of Claims 1 to 3 should not be obvious from the prior art disclosed in Klotzsch et al. or Constant et al.

In view of the foregoing, Applicants submit that Claims 1-3 patentably define over the above-noted references as well as the remaining references of record.

In view of the foregoing, an early and favorable Office Action is believed to be in order and the same is hereby respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Registration No. 25,599

James D. Hamilton
Registration No. 28,421
Attorney of Record

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)
JDH/rac

I:\ATTY\JDH\000000 CASES OF 2007\MARCH\265994US-AMENDMENT\265994US-AM.DOC